United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

October 3, 2005

Mr. Donald Silawsky
U.S. Department of Energy
Office of Petroleum Reserves
1000 Independence Avenue S. W.
Washington, DC 20585-0301

Dear Mr. Silawsky:

Please reference your September 13, 2005, letter requesting review of the U.S. Department of Energy's proposal to expand the Strategic Petroleum Reserve (SPR) to its 1 billion-barrel authorized capacity. Four sites are being considered throughout Louisiana including the existing West Hackberry SPR facility in Cameron and Calcasieu Parishes, the existing Bayou Choctaw SPR facility in Iberville Parish, and two candidate sites in Lafourche Parish, the proposed Clovelly and Chacahoula SPR facilities. The U.S. Fish and Wildlife Service (Service) has reviewed the information you provided, and offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

Project-area forested wetlands associated with each proposed facility site may provide habitat for nesting bald eagles (*Haliaeetus leucocephalus*), which are federally listed as a threatened species, and our records indicate that a bald eagle nest is located within the proposed Chacahoula facility project area. Bald eagles nest in Louisiana from October through mid-May. Eagles typically nest in bald cypress trees near fresh to intermediate marshes or open water in the southeastern Parishes. Areas with high numbers of nests include the Lake Verret Basin south to Houma, the southern marsh/ridge complex from Houma to Bayou Vista, the north shore of Lake Pontchartrain, and the Lake Salvador area. Eagles also winter and infrequently nest near large lakes in central, southwestern, and northern Louisiana. Major threats to the species include habitat alteration, human disturbance, and environmental contaminants (i.e., organochlorine pesticides and lead).

Breeding bald eagles occupy "territories" that they will typically defend against intrusion by other eagles, and that they likely return to each year. A territory may include one or more alternate nests that are built and maintained by the eagles, but which may not be used for nesting in a given year. Potential nest trees within a nesting territory may, therefore, provide important alternative bald eagle nest sites. In forested areas, bald eagles often select the tallest trees with

limbs strong enough to support a nest that may weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water or area where the eagles usually forage. Shoreline trees or snags located near large waterbodies provide the visibility and accessibility needed to locate aquatic prey. Bald eagles are most vulnerable to disturbance during courtship, nest building, egg laying, incubation, and brooding (roughly the first 12 weeks of the nesting cycle). Disturbance during this critical period may lead to nest abandonment, cracked and chilled eggs, and exposure of small young to the elements. Human activity near a nest late in the nesting cycle may also cause flightless birds to jump from the nest tree, thus reducing their chance of survival. Should the proposed project or associated work activities encroach within 1,500 feet of an eagle nest during the nesting season (October through mid-May), further consultation with this office will be necessary. We further caution that the proposed project should not damage any portion of bald eagle nest trees, including their root systems (i.e., through soil compaction or disturbance).

The proposed project sites are located within areas where colonial nesting waterbirds may be present. Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by monitoring the colony sites that were previously surveyed during the 1980s. Until a new, comprehensive coast-wide survey is conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season. To minimize disturbance to colonial nesting birds (i.e., herons, egrets, night-herons, ibis, and roseate spoonbills, anhingas, and/or cormorants), all activity occurring within 1,000 feet of a rookery should be restricted to the non-nesting period (i.e., September 1 through February 15, depending on species present). In addition, we recommend that on-site contract personnel be informed of the need to identify colonial nesting birds and their nests, and should avoid affecting them during the breeding season.

Finally, activities associated with expansion of the SPR may also impact wetlands. For a complete jurisdictional wetland delineation of the proposed project, please contact Mr. John Bruza [redacted] at the New Orleans District, U.S. Army Corps of Engineers (Corps). If the Corps determines that the proposed project is within their regulatory jurisdiction, official Service comments will be provided in response to the corresponding Public Notice.

We appreciate the opportunity to provide comments in the early planning stages of this proposed activity, and we look forward to providing additional assistance as the project progresses. If you need further assistance, please contact Angela C. Trahan [redacted] of this office.

Sincerely,

Russell C. Watson
Supervisor
Louisiana Field Office

cc: U.S. Army Corps of Engineers, New Orleans, LA
LDWF, Natural Heritage Program, Baton Rouge, LA